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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,629	01/30/2001	Shai Darin	P-3030-US	1265
27130	7590	06/02/2005	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			USTARIS, JOSEPH G	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 06/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/771,629	DARIN ET AL.
	Examiner Joseph G. Ustaris	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 December 2004.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

1. This action is in response to the amendment dated 22 December 2004 in application 09/771,629.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Chernock et al. (US 20030159150A1).

Regarding claim 1, Chernock et al. (Chernock) discloses a method for automatic and semi-automatic event scheduling based on information embedded in a multimedia content. The system is able to transport data to the user via MPEG transport streams. The transport streams include an audio and video stream for transmitting multimedia contents (e.g. news or sports programs) or “at least one event related to at least one program in at least one transmission signal of a first type” (See paragraphs 0028 and 0031). The MPEG transport streams also include a private data stream or “at least one transmission signal of a second type” for transmitting non-video and non-audio data,

e.g. the scheduling information and program description information for each of the multimedia contents transmitted within the audio and video stream or “carrying information of schedule of more than one program including at least one program embedded therein” (See paragraphs 0012, 0027, 0028, and 0031-0035). The set-top-box (STB) is able to “notifying a viewer of at least one event” by providing a notification on a television or “viewing device” (See Fig. 1 and Fig. 3). The STB is able to monitor the private data stream or “at least one transmission signal of a second type” (See Fig. 2 step 210; paragraph 0016) and extract various information or “extracting information from said second transmission signal” (See paragraph 0045-0049). The system compares the “extracted information” to the “data entered into a database” (See paragraph 0042 and 0049). The STB then provides “a notification for said at least one event based on said comparison” (See Fig. 2 step 295; paragraphs 0049 and 0056). The STB also provides “at least one mechanism for responding to said notification” (See paragraph 0058).

Regarding claim 2, the STB also provides “at least one mechanism for switching said viewing device to said at least one event” (See paragraph 0057 and 0058).

Regarding claim 3, the STB also compares “information in said monitored signal with said information corresponding to data entered into said database” (See paragraph 0049).

Regarding claim 4, the reminder or notification “includes providing a visual notification” (See paragraph 0058).

Regarding claim 5, the reminder or notification “includes providing an aural notification” (See paragraph 0059).

Regarding claim 6, the STB schedules events such as multimedia presentations or “programs” (See paragraph 0043 and 0057).

Claim 7 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, the STB includes “a storage device for storing data entered into said storage device” (See Fig. 1 Memory; paragraph 0042) and “a microprocessor coupled to said storage device” (See Fig. 1 uProc; paragraph 0039) that controls the functions of the STB.

Claim 8 contains the limitations of claims 2 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 9 contains the limitations of claims 3 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 10 contains the limitations of claims 4 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 11 contains the limitations of claims 5 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 12 contains the limitations of claims 6 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claims 1 and 7 (where inherently the microprocessor and STB are run by a “computer program” that is stored on a

"computer-useable storage medium" in order to successfully carryout its functions) and is analyzed as previously discussed with respect to those claims.

***Response to Arguments***

3. Applicant's arguments filed 22 December 2004 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1, 7, and 13 that Chernock does not disclose or suggest at least one transmission signal of a first type and at least one transmission signal of a second type. However, Chernock discloses that the system can deliver data down to the user using MPEG transport streams in a digital transmission system. The transport streams includes an audio and video stream for transmitting multimedia contents (e.g. news or sports programs) or "at least one transmission signal of a first type" and a private data stream or "at least one transmission signal of a second type" for transmitting non-video and non-audio data, e.g. the scheduling information and program description information (See paragraphs 0027-0035).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGU  
May 20, 2005



VIVEK SRIVASTAVA  
PRIMARY EXAMINER